

Regular Session, 2010

SENATE BILL NO. 283

BY SENATOR MARTINY

FEES/LICENSES/PERMITS. Provides relative to the collection and disposition of bonds, fines, fees, licenses, taxes. (8/15/10)

1 AN ACT

2 To amend and reenact R.S. 33:1423.1(B), (C) and (D), relative to the collection and
3 disposition of bonds, fines, fees, licenses, and taxes by sheriffs and ex officio tax
4 collectors; to authorize sheriffs and ex officio tax collectors to contract with certain
5 parties to aid in the collection of certain delinquent taxes and obligations; to provide
6 for the payment for collection services on a fee basis; to limit the amount of the fee;
7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:1423.1(B), (C) and (D) are hereby amended and reenacted to read
10 as follows:

11 §1423.1. Collection and disposition of bonds, fines, fees, licenses, taxes; acceptance
12 of credit card or electronic check payment; expenses of collection
13 borne pro rata by affected tax recipient bodies

14 * * *

15 B. In addition to any other authority provided by law, sheriffs and ex officio
16 tax collectors of the various parishes, including the chief administrative officer for
17 the city of New Orleans may employ an agency or private counsel to assist in the

1 collection of any due delinquent ad valorem taxes, any penalties or interest thereon,
2 and any other payment which may be legally collected by a sheriff or tax collector
3 or director of finance for the city of New Orleans.

4 C. The sheriff or ex officio tax collector or director of finance for the city of
5 New Orleans ~~shall~~ **may** enter into a contract with such **agency or** private attorney,
6 which shall provide ~~the~~ **either a fee paid to the tax recipient body by the taxpayer**
7 **or an** hourly rate of payment for services. **The fee shall not exceed ten percent of**
8 **the collected amount, and the fee shall be in addition to the amount of the fine,**
9 **bond, tax, license, fee, or other payment to be collected.** The hourly rate **paid to**
10 **the tax recipient body by the taxpayer** shall not exceed the attorney general's fee
11 schedule. The sheriff or ex officio tax collector or director of finance for the city of
12 New Orleans shall obtain approval of the hourly rate **or fee** to be paid the private
13 attorney **or agency** by the tax recipient bodies, which are owed in the aggregate, at
14 least seventy-five percent of the revenues to be collected prior to contracting with the
15 attorney **or agency**. The sheriff or ex officio tax collector or chief administrative
16 officer shall give advance notice to the tax recipient bodies prior to employing
17 counsel **or an agency** and shall provide an estimate of anticipated expenses. The
18 affected tax recipient bodies shall each contribute its pro rata or equitable share of
19 the fees and expenses of the attorney **or agency**. The sheriff or ex officio tax
20 collector or director of finance for the city of New Orleans shall furnish an itemized
21 expense voucher to all affected tax recipient bodies, which shall be due and payable
22 upon receipt by the tax recipient body.

23 D. If as a result of any judgment or settlement, monies attributable to attorney
24 **or agency** fees and expenses are paid to the sheriff or ex officio tax collector or
25 director of finance for the city of New Orleans in an amount in excess of the amount
26 owed to the attorney **or agency** under contract, the sheriff or ex officio tax collector
27 or director of finance for the city of New Orleans shall rebate such excess to the
28 affected tax recipient bodies based upon their pro rata payments for the cost of the
29 attorney **or agency**.

The original instrument was prepared by Martha Hess. The following digest, which does not constitute a part of the legislative instrument, was prepared by James Benton.

DIGEST

Martiny (SB 283)

Present law authorizes sheriffs and ex officio tax collectors to employ private counsel to assist in the collection of delinquent ad valorem taxes, penalties or interest, and any other payment which may be legally collected by a sheriff or tax collector.

Present law authorizes the sheriff or tax collector to enter into a contract with a private attorney for the collection of delinquent taxes and obligations which shall provide the hourly rate of payment for services which shall not exceed the attorney general's fee schedule.

Proposed law retains present law but adds authority for sheriffs and ex officio tax collectors to employ or contract with an agency to assist in the collection of delinquent ad valorem taxes and obligations. Further provides that a sheriff or ex officio tax collector may pay a fee not to exceed 10% of the amount collected for such services. The fee amount shall be in addition to the amount of the fine, bond, tax, license fee, or other payment to be collected.

Effective August 15, 2010.

(Amends R.S. 33:1423.1(B), (C) and (D))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill.

1. Makes technical corrections.